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TAGS: [PREL](#) [PHUM](#) [KDEM](#) [EG](#)
SUBJECT: AYMAN NOUR NOT RELEASED ON NATIONAL HOLIDAY

REF: A. CAIRO 976
[1](#)B. CAIRO 567

Classified By: Minister-Counselor for Economic and Political Affairs
William R. Stewart, for reason 1.4 (d).

[1](#)1. (C) In a customary gesture of mercy, on July 23 (a national holiday which celebrates the anniversary of Egypt's 1952 revolution), President Hosni Mubarak granted amnesty to 1,587 prisoners who had served over half of their sentences. Former opposition presidential candidate Ayman Nour, who has now served half of his five-year prison term, was not among them, despite repeated USG urging over the past several months that he be granted such an amnesty (reftels). On July 22, Nour's wife, Gameela Ismail, and roughly fifteen of Nour's supporters reportedly demonstrated outside of Torah Prison, where Nour is held. They carried signs stating, "Who has the right to the July 23 pardon - Ayman Nour, or those charged with spying, murder, torture, and evading military service?" As prison officials are customarily lenient in permitting visits on the eve of national holidays, the group attempted to see Nour, but were prevented from doing so. Some of the protesters were detained briefly.

[1](#)2. (SBU) The list of crimes pardonable by the president after half the sentence is served is not enshrined in a particular law, but rather is determined by a list issued in a presidential decree. According to legal contacts, forgery (which Nour was convicted of) and drug dealing are crimes for which the president currently cannot issue a pardon. Reportedly, in 2002, forgery was removed from the list of pardonable crimes, and espionage added to it (as a prelude to the subsequent 2004 pardon of accused Israeli spy Azzam Azzam). The decree reportedly allows the president discretion in determining exceptions to the list. In an open letter to Mubarak, published by the opposition Al Dustour newspaper on July 24, Nour wrote, "The presidential decree lacks justification, claiming that exceptions to the pardon are determined on whether they are 'dangerous.' The decree pardons those who are sentenced for murder, torture, and espionage I am now being imprisoned at the president's whim."

[1](#)3. (C) In a July 23 conversation with Amir Salem, Nour's long-time lawyer, Salem told us he was not surprised by the decision to not release Nour, and fully expects that Nour will have to serve his full five-year prison term. Salem also commented on press reports that Nour had suffered a heart attack on July 15. According to Salem, Nour, complaining of a "strange feeling" in his chest, was rushed to the hospital. He underwent some tests and observation for roughly two hours, and after doctors determined that "nothing was wrong," he was released from the hospital and returned to his cell. According to the doctors, "he did not have a heart attack." Salem said that Nour insists that he did have a heart attack, and did not receive adequate medical treatment. A clearly frustrated Salem noted "it is difficult to know what really happened," but commented that Nour sometimes "exaggerates" his health problems.

